Ser. No. 11/487,076
Amendment A dated January 30, 2007
Reply to Office Action dated October 30, 2006

AMENDMENTS TO THE DRAWINGS

Please approve the changes shown in red in the attached Annotated Sheet of FIG. 7. The Annotated Sheet of FIG. 7 indicating the proposed drawing changes and Replacement Sheets of FIGS. 1-8 are attached following page 22 of this Amendment A.

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REMARKS

I. Introduction

This is in response to the Office Action dated October 30, 2006.

As a preliminary matter, Applicants appreciate the time and courtesy extended by Examiner Brian G. Huffman, and the Examiner's Supervisor, Mr. Jong-Suk (James) Lee, during the telephone interview on January 10, 2007 with Applicants' representative, Grace Law O'Brien, to expedite the prosecution of the present application. No agreement, however, was reached during the interview. This Amendment A is submitted in light of the discussion with the Examiner and the Examiner's Supervisor from the interview.

In the Office Action, the drawings are objected to as failing to comply with 37 CFR §§ 1.84(p)(4) and 1.84(p)(5). The specification and Claims 2, 3, 19, and 25 are objected to for minor informalities. Claims 1-5, 12-16, 23, 24, and 28 are rejected under 35 U.S.C §102(b) as being anticipated by Graf et al. (U.S. Patent Number 4,645,459) ("Graf"). Claims 25 and 27 are rejected under 35 U.S.C. §102(e) as being anticipated by Lechner (U.S. Publication Number 2003/0059743 A1) ("Lechner"). Claims 6-11 and 17-22 are rejected under 35 U.S.C. §103(a) as being unpatentable over Graf in view of Huston et al. (U.S. Patent Number 6,146,143) ("Huston"). Claim 26 is rejected under 35 U.S.C. §103(a) as being unpatentable over Lechner in view of Graf. Applicants respectfully traverse these rejections and request reconsideration of the present application.

II. The Objections to the Drawings

The drawings are objected to as failing to comply with 37 CFR § 1.84(p)(4) because reference character "134" has been used to designate both a "computing platform" in FIGS. 2, 4, and 5 and a "computer game" in FIG. 7. In response, Applicants replace the reference "134" to "132" in FIG. 7 and submit that no new matter has been added by the proposed amendments. A separate Annotated Sheet of FIG. 7 indicating the proposed drawing changes and

Replacement Sheets of FIGS. 1-8 are attached. Applicants appreciate the Examiner's notation of these minor informalities of FIGS. 2, 4, 5, and 7. In light of the proposed amendments, Applicants respectfully request that the drawing objections of FIGS. 2, 4, 5, and 7 be withdrawn.

The drawings are also objected to as failing to comply with 37 CFR § 1.84(p)(5) because they do not include references "202" (process) on page 7, line 27 and "118" (geographic database) on page 11, line 24. In response, Applicants amend the specification on page 7, line 27 and page 11, line 24 to correct the references of "202" and "118" and submit that no new matter has been added by the proposed amendments. Applicants appreciate the Examiner's notation of these minor informalities of the specification. In light of the proposed amendments, Applicants request that the objections to the drawings be withdrawn.

III. The Objections to the Specification

The specification is objected to for failing to clearly identify references as per MPEP 608.01(p)(b)(2). In response, Applicants amend the references of the copending applications on pages 1, 7, and 17 of the specification, as suggested by the Examiner, and submit that no new matter has been added by the proposed amendments. Moreover, the incorporation, in whole or part, of the copending applications is material to the current application since these applications are related. Applicants again appreciate the Examiner's notation of these minor informalities of the specification. In light of the proposed amendments, Applicants request that the objections to the specification be withdrawn.

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IV. The Objections to the Claims

Claims 2, 3, 19, and 25 are objected to for minor informalities. In response, Applicants amend Claims 2, 3, 19, and 25, as suggested by the Examiner. Applicants again appreciate the Examiner's notation of these minor informalities of Claims 2, 3, 19, and 25. In light of the proposed amendments, Applicants request that the objections to Claims 2, 3, 19, and 25 be withdrawn.

V. 35 U.S.C §102(b) Rejection of Claims 1-5, 12-16, 23, 24, and 28

A. Graf does not disclose, teach, or suggest a template database that represents a geographic locale, as recited in Claims 1 and 28.

Claims 1-5, 12-16, 23, 24, and 28 are rejected under 35 U.S.C §102(b) as being anticipated by Graf.[1] Applicants respectfully traverse because Graf does not relate to providing a template database that represents a geographic locale, as recited in Claims 1 and 28. In order to more clearly recite the features of the template database, Applicants amend Claims 1-19 and 23-25 without intending to narrow the scope of the originally filed Claims. Applicants further submit that the proposed amendments of Claim 1 are supported by the specification and no new matter has been added.

In rejecting Claims 1 and 28, the Examiner provides the following arguments:

> Re claim 1: Graf discloses a method of using a source database/object library data base [sic] for forming derived products, wherein the source database contains data that represent geographic features in a region including roads in the region, the method comprising: providing a first set of

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[1] Applicants first note that it is improper to make an §102 rejection based upon a combination of references. From the Office Action, it appears that the rejection is made from an Official Notice combined with Graf. Specifically, the Examiner appears to be making an Official Notice that the database made up of high quality images of actual surfaces is capable of providing navigation-related functions for guiding a user through an environment. If this is, in fact, the case, the proper rejection should be based upon a §103 obviousness rejection, instead of a §102 rejection. Moreover, should the rejection be maintained in the next Office Action based upon this Official Notice, Applicants respectfully request that an affidavit be placed into the record under 37 CFR §1.104(c)(2) to detail these facts so that Applicants can be afforded the opportunity to contradict or explain, by affidavit or otherwise, such facts. See MPEP §2144.03.

> data/image(s) from the source database/object data
> base [sic], wherein the first set of data represents at
> least some of the geographic features in the region
> and further wherein the first set of data includes
> attributes suitable for use for providing navigation-
> related functions; and using data from the source
> database to form a template database/gaming area
> data base [sic], wherein the template database
> represents an imaginary locale (Fig. 3-12; Col. 4, lines
> 39-45; Col. 5, lines 19-24 and 47-51; Col. 6, lines 38-
> 48; Col. 8, lines 44-49).

See *Office Paper 20061012*, page 4.

> Re claim 28: Graf discloses a method of developing a
> computer game comprising: providing template
> geographic databases/object library data base [sic] to
> end users/operator, wherein the template databases
> contain data that represents [sic] geographic locales;
> and providing programming tools to the end user that
> allow the end users to incorporate data from the
> template geographic database into computer
> games/simulation, wherein the computer games
> include playing scenarios that include representations
> of the geographic locales (Col. 10, lines 7-31).

See *Office Paper 20061012*, page 6.

Contrary to the Examiner's assertions, none of these cited portions of Graf,
however, discloses a template database that represents a geographic locale, as
recited in Claims 1 and 28.

Graf discloses a digital image processing system that composes and
constructs a sequential stream of scenes for display (*Graf*, Column 1, lines 7-14).
In particular, a database is constructed with an object library that provides
images of objects and surfaces with high fidelity (*Graf.*, Column 6, lines 37-48)
and gaming areas that load the locations of objects, surfaces, and special effects
on a grid or gaming area (*Graf*, Column 7, lines 1-4). The object library and the
gaming areas include all the collection of the geographic features and make no
reference to a template database for a specific geographic locale, as recited in
Claims 1 and 28. Graf, in fact, specifically teaches that the images of the object
library be divided into three basic classes of objects, surfaces, and special effects

(Graf, Column 10, lines 39-41). Graf further teaches that the solid-surface objects may be further classified into two-dimensional, three-dimensional one axis, three-dimensional two axis, and light sources (Graf, Column 10, lines 42-49). With all these specific disclosures of dividing the images in the object library, Graf still fails to mention anything relating to a template database representing a geographic locale.

In particular, Claims 1 and 28 provide a "template database" that represents a geographic locale. A "template" is defined as a document or file having a preset format, used as a starting point for a particular application so that the format does not have to be recreated each time it is used. See *The American Heritage® Dictionary of the English Language*, 4th Ed., Copyright © 2000 by Houghton Mifflin Company. A "locale" is defined as a particular geographic area: locality, location, place. See *Roget's II: The New Thesaurus*, Third Edition. Houghton Mifflin Company, 1995. Even if *arguendo* given the broadest interpretation that the object library is a template database of some sort, Graf, nevertheless, fails to relate this object library as a template to a geographic locale, as provided in Claims 1 and 28.

Furthermore, Graf merely provides an object library and gaming areas that enable a person or a process to assemble a geographic locale. The need for a person or a process to assemble the geographic locale using various objects from the library is, in fact, one of the problems being solved by the features recited in Claims 1 and 28. Specifically, a template database representing a geographic locale is provided in Claims 1 and 28. In this way, very minimum work is required of the game developers to provide a geographic locale using the features of Claims 1 and 28, in contrast to the methods provided Graf. For all these reasons, Graf does not disclose, teach, or suggest "forming a template database using the set of data from the source database, wherein the template database represents an imaginary geographic locale" (Claim 1) and "providing template geographic databases to end users, wherein the template databases

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contain data that represent geographic locales" (Claim 28). Accordingly,

Applicants request that the §102 rejection of Claims 1 and 28 be withdrawn.

B. Graf does not disclose, teach, or suggest a template database being formed from a set of data suitable for providing navigation-related functions, as recited in Claim 1.

Although the Examiner acknowledges that Graf does not disclose a set of

data suitable for providing navigation-related functions, as recited in Claim 1, the

Examiner, nevertheless, argues that

> Re claim 1: . . . . With respect to applicant's "attributes
> suitable for use for providing navigation-related
> functions," Graf discloses a database made up of high
> quality images of actual surfaces or objects. As such,
> the invention of Graf is considered to have the
> capability of providing navigation-related functions in
> that it presents the user with a high quality, realistic
> representation of a real-world environment through
> the reproduction of these images, which could be
> used to guide a user through an environment.

See Office Paper 20061012, page 4.

Applicants respectfully submit that the Examiner's assertion greatly simplifies the

technology of a geographic database that is capable navigation functions. In

brief, high quality images are merely reproduced. In order for any high quality

images to provide navigation functions, these images must be altered and

transformed to geographic data that accommodates proper display with the

current location of global positioning system and various navigation applications

(e.g., route calculation). The process of converting these high images to

geographic data that are suitable for navigation is very complex, and the process,

itself, is likely considered as a separate field of technology, altogether.

Moreover, the fact that Graf's high quality of images is capable to perform a

function is not the same as a system that actually performs the function. As

such, whether the high quality images of Graf is capable of navigation-related

functions is irrelevant and fails to prove that Graf does, in fact, disclose "the first

set of data includes attributes suitable for providing navigation-related functions,"

as recited in Claim 1. In other words, the capacity to perform a function neither implies nor teaches actual performance.

Moreover, Claim 1 recites that a derived product of a template database representing a geographic locale is formed from a source database having data suitable for navigation-related functions. Instead, Graf requires a person or a process to assemble this geographic locale by sorting through vast numbers of images and objects from the object library. Again, Graf provides a process that the claimed features of Claim 1 is trying to avoid, specifically the intense labor necessary to sort through a vast number of images and objects, which can be very time-consuming, in order to assemble a geographic locale. The process provided by Graf also requires that the person who assembles the geographic locale to have substantial experience with terrain model design. In contrast, by providing a template database from a source database with data suitable for navigation functions, very detail geographic features are already included, because the navigation functions require such details from a geographic database to begin with. For all these reasons, Graf does not disclose or suggest "providing a set of data from the source database, wherein . . . the set of data includes attributes suitable for providing navigation-related functions; and forming a template database using the set of data from the source database, wherein the template database represents an imaginary geographic locale," as recited in Claim 1. Accordingly, Applicants request that the §102 rejection of Claim 1 be withdrawn.

C. Dependent Claims 2-5, 12-16, 23, and 24

Dependent Claims 2-5, 12-16, 23, and 24 ultimately depend directly or indirectly upon independent Claim 1, which has been shown as allowable above. Moreover, the claims introduce additional content that, particularly when considered in context with Claim 1 from which they depend from, comprises additional incremental patentable subject matter. Applicants reserve the right to present further arguments in the future with regard to these dependent claims.

For all these reasons, Applicants respectfully request that the §102 rejection of dependent Claims 2-5, 12-16, 23, and 24 be withdrawn.

VI. 35 U.S.C §102(e) Rejection of Claims 25 and 27

A. Lechner does not disclose, teach, or suggest "acquiring a template geographic database from another party, wherein the template geographic database contains data that represent a geographic locale," as recited in Claim 25.

Claims 25 and 27 are rejected under 35 U.S.C §102(e) as being anticipated by Lechner.[2] Applicants respectfully traverse because Lechner does not relate to acquiring a template geographic database having data that represent a geographic locale, as recited in Claim 25. In particular, Claim 25 provides a "template geographic database" having data that represent a geographic locale. A "template" is defined as a document or file having a preset format, used as a starting point for a particular application so that the format does not have to be recreated each time it is used. See *The American Heritage® Dictionary of the English Language*, 4th Ed., Copyright © 2000 by Houghton Mifflin Company. A "locale" is defined as a particular geographic area: locality, location, place. See *Roget's II: The New Thesaurus*, Third Edition. Houghton Mifflin Company, 1995.

Similar to Graf, Lechner discloses a process that automatically downloads and compiles various available geographic data for assembling the geographic feature of the flight simulation. Lechner likewise requires complex processing and sorting of these various geographic data in order to assemble a particular

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[2] Applicants again note that it is improper to make an §102 rejection based upon a combination of references. From the Office Action, it appears that the rejection is made from an Official Notice combined with Lechner. Specifically, the Examiner appears to be making an Official Notice that "[w]ith respect to applicants' step of selling the computer game, though not explicitly disclosed by Lechner, it would be inherent to sell the computer game/flight simulator in order to recoup the expenses of developing the game." If this is, in fact, the case, the proper rejection should be based upon a §103 obviousness rejection, instead of a §102 rejection. Moreover, should the rejection be maintained in the next Office Action based upon this Official Notice, Applicants respectfully request that an affidavit be placed into the record under 37 CFR §1.104(c)(2) to detail these facts so that Applicants can be afforded the opportunity to contradict or explain, by affidavit or otherwise, such facts. See *MPEP* §2144.03.

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geographic area. In contrast to the process provided Lechner, the template geographic database recited in Claim 25 demands minimum processing in order to provide a geographic locale. The absence of a complex process to assemble the geographic locale using various geographic data is, again, one of the benefits provided by the features recited in Claim 25. For all these reasons, Lechner does not disclose, teach, or suggest "acquiring a template geographic database from another party, wherein the template geographic database contains data that represent a geographic locale," as recited in Claim 25. Accordingly, Applicants request that the §102 rejection of Claim 25 be withdrawn.

B. Lechner does not disclose, teach, or suggest "incorporating data from the template geographic database, along with other computer game components, to form a computer game product," as recited in Claim 25.

As previously argued, since Lechner does not disclose, teach, or suggest the recited template geographic database, Lechner cannot disclose "incorporating data from the template geographic database, along with other computer game components, to form a computer game product," as recited in Claim 25. For these reasons, Applicants again request that the §102 rejection of Claim 25 be withdrawn.

C. Contrary to the Examiner's assertions, Lechner does not inherently disclose, teach, or suggest "selling the computer game product," as recited in Claim 25.

The Examiner acknowledges that Lechner does not, in fact, discloses the features of "selling the computer game product" recited in Claim 25, but instead the Examiner provides an inherency argument to anticipate these recited features as indicated below:

> Re claim 25: . . . With respect to applicant's step of selling the computer game, though not explicitly disclosed by Lechner, it would be inherent to sell a developed computer game/flight simulator in order to recoup the expenses of developing the game.

See *Office Paper 20061012*, page 7.

The Examiner's inherency argument is misplaced in light of Lechner, because Lechner relates to the business of providing software that processes geographic

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data for the flight simulation. In particular, Lechner offers software that supplements a game product, but the disclosure of Lechner has nothing to do with developing a game product. Thus, Applicants respectfully submit that, at minimum, the Examiner's inherency argument cannot be suggested or implied from Lechner. If the present rejection is based on any facts within the personal knowledge of the Examiner, Applicants respectfully request that the facts be set forth in the form of an affidavit. See MPEP §2144.03(C) and 37 CFR §1.104(d)(2). For all these reasons, Lechner does not disclose, teach, or suggest "selling the computer game product," as recited in Claim 25. Accordingly, Applicants request that the §102 rejection of Claim 25 be withdrawn.

D. Dependent Claim 27

Dependent Claim 27 ultimately depends directly upon independent Claim 25, which has been shown as allowable above. Moreover, Claim 27 introduces additional content that, particularly when considered in context with Claim 25 from which it depends from, comprises additional incremental patentable subject matter. Applicants reserve the right to present further arguments in the future with regard to dependent Claim 25. For all these reasons, Applicants respectfully request that the §102 rejection of dependent Claim 25 be withdrawn.

VI. 35 U.S.C §103(a) Rejection of Claims 6-11, 17-22, and 26

A. All of the cited references teach away from the recited template database, because the complex processes of these cited references contradict one of the benefits of having a template database recited in independent Claims 1, 25, and 28 in which dependent Claims 6-11, 17-22, and 26 depend from.

Claims 6-11, 17-22, and 26 are rejected under 35 U.S.C §103(a) as being unpatentable on the basis of Graf, Huston, and Lechner. Applicants respectfully traverse because each of these cited references teaches away from the recited template database by disclosing complex and time-consuming processes that sort through a vast amount of data for assembling a geographic locale. In

contrast, independent Claims 1, 25, and 28 all recite a template database that represents a geographic locale.

As previously provided, a "template" is defined as a document or file having a preset format, used as a starting point for a particular application so that the format does not have to be recreated each time it is used. See *The American Heritage® Dictionary of the English Language*, 4th Ed., Copyright © 2000 by Houghton Mifflin Company. A "locale" is defined as a particular geographic area: locality, location, place. See *Roget's II: The New Thesaurus*, Third Edition. Houghton Mifflin Company, 1995. One of the benefits of having a template geographic database that represents a geographic locale is that the need to gather and assemble geographic information for use in individual game titles is minimized (Applicants' application, page 18, lines 23-25). Applicants respectfully submit that in light of the processes disclosed by these cited references that teach away from a template database, as recited in the claims, none of the cited references would motivate or suggest one skilled in the art to combine the cited references of Graf, Huston, and Lechner. As such, contrary to the Examiner's assertions, it would not be obvious to make the asserted combinations to provide the features of dependent Claims 6-11, 17-22, and 26. For all these reasons, Graf, Houston, and Lechner, alone or combined, do not disclose, teach, or suggest any of the features of Claims 6-11, 17-22, and 26. Accordingly, Applicants request that the §103 rejection of Claims 6-11, 17-22, and 26 be withdrawn.

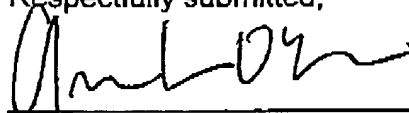## VII. New Claims 29 Through 37.

Applicants add new Claims 29 through 37 for further consideration from the Examiner. Applicants further submit that these new claims 29 through 37 are supported by the specification and no new matter has been added.

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VIII.   Conclusion

Applicants submit that all the pending claims in the present application are allowable and that the present application is in condition for allowance. If any issues remain in the present application, the Examiner is invited to call the undersigned at the telephone number below.

Respectfully submitted,

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FIG. 7